

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 24-14237-CIV-CANNON/Maynard

JEANNE MARIE BUSHNELL,

Plaintiff,

v.

HUMANA INSURANCE CO.,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 23]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Defendant's Motion to Dismiss the State Court Complaint with Prejudice (the "Report") [ECF Nos. 17, 23]. On August 22, 2024, Defendant filed a Motion to Dismiss the State Court Complaint with Prejudice (the "Motion") [ECF No. 17]. On December 20, 2024, following referral, Judge Maynard issued a Report recommending that the Motion be granted but that the Complaint be dismissed without prejudice [ECF No. 23]. Objections to the Report were due on January 3, 2025 [ECF No. 23 p. 13]. Plaintiff filed a notice of no objection [ECF No. 24], and the time for Defendant to file an objection has expired [ECF No. 23 p. 13].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.

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28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no clear error of fact and no errors of law in the Report. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 23] is **ACCEPTED**.
2. The Motion [ECF No. 17] is **GRANTED IN PART**, consistent with this Order.¹
3. Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk shall **CLOSE** this case.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 11th day of January 2025.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

¹ Defendant sought dismissal with prejudice [ECF No. 23 p. 12].